

USPTO PCT/PTO 37 DEC 2005 #4

PTO-1390		ATTORNEY DOCKET NUMBER 79837
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/538,812 ✓
INTERNATIONAL APPLICATION NO. PCT/US03/039974	INTERNATIONAL FILING DATE December 12, 2003	PRIORITY DATE CLAIMED December 12, 2002
TITLE OF INVENTION PICTURE HANGER FOR USE WITH GYPSUM BOARD AND INSTALLATION TOOL THEREFORE		
APPLICANT(S) FOR DO/EO/US Francis C. Peterson		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. Please do not delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (**Executed**)
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 and PTO/SB/08a Substitute for Form 1449/A PTO.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **copy of Notice of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)**

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number EL 524668053 US

Date of Deposit DEC 07 2005

I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ED PRICE

(Typed or printed name of person mailing)

[Signature]
(Signature of person mailing)

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/538,812		INTERNATIONAL APPLICATION NO. PCT/US03/039974		ATTORNEY DOCKET NUMBER 79837	
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The following fees are submitted:						Calculations	PTO use only
21.	<input type="checkbox"/>	Basic national fee (37 CFR 1.492(a))				\$300.00	
22.	<input type="checkbox"/>	Examination fee (37 CFR 1.492(c))					
If the Written Opinion prepared by ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)							
						\$ 0.00	
All other situations						\$200.00	
23.	<input type="checkbox"/>	Search fee (37 CFR 1.492(b))					
If the Written Opinion of the ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)							
						\$ 0.00	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority						\$100.00	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB						\$400.00	
All other situations						\$500.00	
TOTAL OF 21, 22 and 23 =						\$ 0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.							
Total Sheets		Extra Sheets	Number of each additional 50 or fraction thereof (round up to whole number)		RATE		
- 100 =		0 / 50 =	0.00 0		x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).						\$ 130.00	
CLAIMS		NUMBER FILED	NUMBER EXTRA		RATE		
Total claims		3	- 20 = 0		x \$50.00	\$ 0.00	
Independent Claims		1	- 3 = 0		x \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)						\$360.00	
TOTAL OF ABOVE CALCULATIONS =						\$ 130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by half.						\$ 65.00	
SUBTOTAL =						\$ 65.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).						\$ 0.00	
TOTAL NATIONAL FEE =						\$ 65.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.						\$ 0.00	
TOTAL FEES ENCLOSED =						\$ 65.00	
12/12/2005 LLANDGRA 00000049 061135 10538812 01 FC:2617 65.00 DA						Amount to be refunded:	\$
						Amount to be charged:	\$

a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 06-1135 in the amount of \$65.00 to cover the above fees. A duplicate copy of this sheet is enclosed. (Trans. No. 26400).

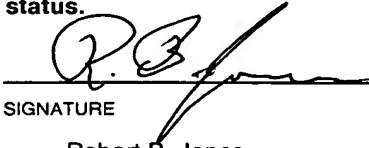
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, IL 60603-3406 U.S.A.

Telephone: (312) 577-7000
Facsimile: (312) 577-7007


SIGNATURE
Robert B. Jones
NAME
20,135
REGISTRATION NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 10/538,812

Confirmation No. 5677

Filed: June 13, 2005

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Applicant(s): Francis C. Peterson

"Express Mail" Mailing Label Number

Title: PICTURE HANGER FOR USE
WITH GYPSUM BOARD AND
INSTALLATION TOOL
THEREFORE

EV 524668053 US

Date of Deposit DEC 07 2005

Art Unit: Not Yet Assigned

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to the Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Examiner: Not Yet Assigned

Ed Price
(Typed or printed name of person mailing)

Attorney Docket: 79837

(Signature of person mailing)

Customer No.: 22242

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 dated 11/9/05,

- ☒ A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 is enclosed.
- ☐ A Petition for Extension of Time for reply within the _____ month is attached.
- ☒ An executed Declaration for Patent Application, including Power of Attorney, is enclosed.
- ☐ _____ sheet(s) of drawings are enclosed. ☐ Formal ☐ Informal
- ☐ An Assignment of the invention to _____, and Recordation Form Cover Sheet - Patents Only - Form PTO-1595, are enclosed.
- ☐ A check in the amount of \$_____ to cover the fee for recording the assignment is enclosed.
- ☐ The Recordation Form Cover Sheet includes authorization to charge our Deposit Account for recording the assignment. Charge \$_____ to Deposit Account No. 06-1135.

Notification to File Missing Requirements dated November 9, 2005

☒ The fees are calculated below:

<input type="checkbox"/> Provisional Application Filing Fee	\$ 200.00	
Application size fee for each additional 50 sheets that exceeds 100 sheets	x \$ 250.00 =	\$ 0.00
Surcharge Fee	\$ 50.00	
Search Fee	\$ 100.00	
Examination Fee	\$ 130.00	
Total Fees		\$ 0.00

☐ Applicant(s) assert entitlement to Small Entity Status
(37 C.F.R. § 1.27), reducing the Total Fees by half to: \$ 0.00

<input type="checkbox"/> Basic Filing Fee - Utility	\$ 300.00	
Independent Claims - 3 = 0	x \$ 200.00 =	\$ 0.00
Total Claims - 20 = 0	x \$ 50.00 =	\$ 0.00
Fee for Multiple Dependent Claims	\$ 360.00	
Surcharge Fee	\$ 130.00	\$ 130.00
Application Size Fee for each additional 50 sheets that exceeds 100 sheets	x \$ 250.00 =	\$ 0.00
Search Fee	\$ 500.00	
Examination Fee	\$ 200.00	
Total Fees		\$ 130.00

☒ Applicant(s) assert entitlement to Small Entity Status (37 C.F.R.
§ 1.27), reducing the Total Fees by half to: \$ 65.00

<input type="checkbox"/> Basic Filing Fee - Design	\$ 200.00	
Surcharge Fee	\$ 130.00	
Search Fee	\$ 100.00	
Examination Fee	\$ 130.00	
Total Fees		\$ 0.00

☐ Applicant(s) assert entitlement to Small Entity Status
(37 C.F.R. § 1.27), reducing the Total Fees by half to: \$ 0.00

☐ A check in the amount of \$_____ to cover the above fees is enclosed.

☒ Charge \$ 65.00 to Deposit Account No. 06-1135. (Trans. No. 26400).

Application No. 10/538,812

Attorney Docket No. 79837

Notification to File Missing Requirements dated November 9, 2005

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in duplicate.

December 7, 2005

Date



Robert B. Jones

Registration No. 20,135

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,812	Francis C Peterson	7836 79837

Kenneth H. Samples
Fitch Even Tabin & Flannery
120 South LaSalle Street
Suite 1600
Chicago, IL 60603-3406

DOCKETED

NOV 18 2005

BY: D.G.

Due 1/9/06

INTERNATIONAL APPLICATION NO.

PCT/US03/39974

I.A. FILING DATE

12/12/2003

PRIORITY DATE

12/13/2002

CONFIRMATION NO. 5677

371 FORMALITIES LETTER



OC000000017422916

Date Mailed: 11/09/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/13/2005
- Copy of the International Search Report filed on 06/13/2005
- Oath or Declaration filed on 06/13/2005
- U.S. Basic National Fees filed on 06/13/2005
- Priority Documents filed on 06/13/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,812	PCT/US03/39974	79837